

103D CONGRESS
1ST SESSION

H. R. 873

IN THE SENATE OF THE UNITED STATES

MAY 24 (legislative day, APRIL 19), 1993

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the consolidation and protection of the
Gallatin Range.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gallatin Range Con-
5 solidation and Protection Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that:

8 (1) It has been the clear policy of the Federal
9 Government since 1925 to consolidate the checker-
10 board lands along the Gallatin Range north of Yel-
11 lowstone National Park.

1 (2) These lands north of Yellowstone possess
2 outstanding natural characteristics and wildlife habi-
3 tat which give them high value as lands added to the
4 National Forest System.

5 (3) Although these lands have historically re-
6 mained pristine up to now, failure to consolidate at
7 this time will in the near future lead to fragmenta-
8 tion and development.

9 (4) The Federal Government has already in-
10 vested a great deal in keeping the lands along the
11 Gallatin Range protected from excess development.

12 **SEC. 3. PLUM CREEK LAND EXCHANGE—GALLATIN AREA.**

13 (a) IN GENERAL.—The Secretary of Agriculture
14 (hereinafter in this Act referred to as the “Secretary”)
15 shall, subject to the provisions of sections 4(a) and 5(a)
16 and notwithstanding any other provision of law, acquire
17 by exchange and cash equalization in the amount of
18 \$3,400,000, certain lands and interests in land of the
19 Plum Creek Timber, L.P. (hereinafter in this section re-
20 ferred to as the “company”), in and adjacent to the
21 Hyalite-Porcupine-Buffalo Horn Wilderness Study Area,
22 the Scapegoat Wilderness Area, and other land in the Gal-
23 latin National Forest in accordance with this section.

24 (b) DESCRIPTION OF LANDS.—(1) If the company of-
25 fers to the United States the fee title, including mineral

1 interests, to approximately 37,752 and $\frac{15}{100}$ acres of land
2 owned by the company which is available for exchange to
3 the United States as depicted on a map entitled “Plum
4 Creek Timber and Forest Service Proposed Gallatin Land
5 Exchange”, dated May 20, 1988, the Secretary shall ac-
6 cept a warranty deed to such land and, in exchange there-
7 for, and subject to valid existing rights, upon such accept-
8 ance the Secretary of the Interior shall convey, subject to
9 valid existing rights, by patent the fee title to approxi-
10 mately 12,414 and $\frac{6}{100}$ acres of National Forest System
11 lands available for exchange to the company as depicted
12 on such map, subject to—

13 (A) the reservation of ditches and canals re-
14 quired by the Act entitled “An Act making appro-
15 priations for sundry civil expenses of the Govern-
16 ment for the fiscal year ending June thirtieth, eight-
17 een hundred and ninety-one, and for other pur-
18 poses”, approved August 30, 1890 (26 Stat. 391; 43
19 U.S.C. 945);

20 (B) the reservation of rights under Federal Oil
21 and Gas Lease numbers 49739, 55610, 40389,
22 53670, 40215, 33385, 53736, and 38684; and

23 (C) such other terms, conditions, reservations,
24 and exceptions as may be agreed upon by the Sec-
25 retary and the company.

1 (2) On termination or relinquishment of the leases
2 referred to in paragraph (1), all the rights and interests
3 in land granted therein shall immediately vest in the com-
4 pany, its successors and assigns, and the Secretary shall
5 give notice of that event by a document suitable for record-
6 ing in the county wherein the leased lands are situated.

7 (c) EASEMENTS.—Reciprocal easements shall be ex-
8 changed at closing on the conveyances authorized by this
9 section—

10 (1) in consideration of the easements conveyed
11 by the company as provided in paragraph (2) of this
12 subsection, the Secretary shall, under authority of
13 the Act of October 13, 1964 (16 U.S.C. 532 et seq.;
14 commonly referred to as the “National Forest Roads
15 and Trails Act”), or the Federal Land Policy and
16 Management Act of 1976, execute and deliver to the
17 company such easements or other rights-of-way au-
18 thorizations over federally owned lands included in
19 this exchange as may be agreed to by the Secretary
20 and the company in an exchange agreement; and

21 (2) in consideration of the easements conveyed
22 by the United States as provided in paragraph (1),
23 the company shall execute and deliver to the United
24 States such easements or other rights-of-way author-
25 izations across company-owned lands included in this

1 exchange as may be agreed to by the Secretary and
2 the company in an exchange agreement.

3 (d) TIMING OF TRANSACTION.—Subject to the provi-
4 sions of sections 4(a) and 5(a) of this Act, it is the intent
5 of Congress that the conveyances authorized by this sec-
6 tion be completed within 90 days after the date of enact-
7 ment of an Act making the appropriation authorized by
8 subsection (e).

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section the
11 sum of \$3,400,000, which amount the Secretary shall,
12 when appropriated, pay to the company to equalize the
13 value of the exchange of land authorized by this section.

14 (f) QUALITY OF TITLE.—Title to the properties ref-
15 erenced in this section to be offered to the United States
16 by Big Sky Lumber Company, its assignees or successors
17 in interest, shall include both the entire surface and sub-
18 surface estates without reservation or exception. The
19 owner shall be required to acquire any outstanding inter-
20 est in mineral or mineral rights, timber or timber rights,
21 water or water rights, or any other outstanding interest
22 in the property, except reservations by the United States
23 or the State of Montana by patent, in order to assure that
24 title to the property is transferred as described in this sec-
25 tion and sections 4, 5, and 6. Title to land to be conveyed

1 to the United States shall be acceptable to the Secretary
2 and shall otherwise be in conformity with title standards
3 for Federal land acquisitions.

4 (g) REFERENCES.—The reference and authorities of
5 this section referring to Plum Creek Timber Company,
6 L.P., shall also refer to its successors and assigns.

7 **SEC. 4. LAND CONSOLIDATION; PORCUPINE AREA.**

8 (a) IN GENERAL.—The exchange described in section
9 3 of this Act shall not be consummated by the Secretary
10 until the Secretary or a not-for-profit corporation (herein-
11 after in this section referred to as the “conservation en-
12 tity”) exempt from Federal taxation under section
13 501(c)(3) of the Internal Revenue Code of 1986 acting
14 for later dispositions to the United States, shall have ac-
15 quired, by purchase or option to acquire, or exchange, all
16 of the Porcupine property for its fair market value, deter-
17 mined at the time of acquisition in accordance with ap-
18 praisal standards acceptable to the Secretary by an ap-
19 praiser acceptable to the Secretary and the owner. And
20 further that, if said acquisition or option to acquire has
21 been consummated by a conservation entity, said entity
22 shall have notified the Secretary that the quality of title
23 in fact secured meets applicable Forest Service standards
24 with respect to surface and subsurface estates or is other-
25 wise acceptable to the Secretary.

1 (b) AUTHORIZATION OF ACQUISITION.—The Sec-
2 retary is authorized and directed to acquire by purchase
3 or exchange the lands and interests therein as depicted
4 on a map entitled “Porcupine Area”, dated September,
5 1992.

6 (c) LAND ACQUISITION AUTHORITIES.—Acquisitions
7 pursuant to this section shall be under existing authorities
8 available to the Secretary.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as are nec-
11 essary to carry out the purposes of this section. Funds
12 necessary for land acquisition are authorized to be appro-
13 priated from the Land and Water Conservation Fund.

14 (e) REFERENCES.—The reference and authorities of
15 this section referring to the owner shall mean the Big Sky
16 Lumber Company, and its successors and assigns.

17 **SEC. 5. LAND CONSOLIDATION—TAYLOR FORK AREA.**

18 (a) IN GENERAL.—The exchange described in section
19 3 of this Act shall not be consummated by the Secretary
20 until the Secretary or a not-for-profit corporation (herein-
21 after in this section referred to as the “conservation en-
22 tity”) exempt from Federal taxation under section
23 501(c)(3) of the Internal Revenue Code of 1986 acting
24 for later disposition to the United States, shall have ac-
25 quired, by purchase or option to acquire, or exchange, all

1 of the Taylor Fork property for its fair market value, de-
2 termined at the time of acquisition in accordance with ap-
3 praisal standards acceptable to the Secretary by an ap-
4 praiser acceptable to the Secretary and the owner. And
5 further that, if said acquisition or option to acquire has
6 been consummated by a conservation entity, said entity
7 shall have notified the Secretary that the quality of title
8 in fact secured meets applicable Forest Service standards
9 with respect to surface and subsurface estates or is other-
10 wise acceptable to the Secretary.

11 (b) AUTHORIZATION FOR ACQUISITION.—The Sec-
12 retary is authorized and directed to acquire by purchase
13 or exchange the lands and interests therein as depicted
14 on a map entitled “Taylor Fork Area”, dated September,
15 1992.

16 (c) LAND ACQUISITION AUTHORITIES.—Acquisition
17 pursuant to this section shall be under existing authorities
18 available to the Secretary, except that notwithstanding
19 any other provision of law, exchanges authorized in this
20 section shall not be restricted within the same State.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out the purposes of this section. Funds
24 necessary for land acquisition are authorized to be appro-
25 priated from the Land and Water Conservation Fund.

1 (e) REFERENCES.—The reference and authorities of
2 this section referring to the owner shall mean the Big Sky
3 Lumber Company, and its successors and assigns.

4 (f) REPORTS TO CONGRESS.—For a period of 2 years
5 from the date of enactment of this Act, the Secretary shall
6 report annually to the Committee on Natural Resources
7 of the House of Representatives and the Committee on
8 Energy and Natural Resources of the Senate, on the sta-
9 tus of the negotiations with the company or its successors
10 in interest to effect the land consolidation authorized by
11 this section.

12 **SEC. 6. LAND CONSOLIDATION—GALLATIN AREA.**

13 (a) IN GENERAL.—It is the policy of the Congress
14 that the Secretary shall attempt to acquire by purchase
15 or exchange all lands within what is generally known as
16 the Gallatin Range owned by Big Sky Lumber Company,
17 its assignees or successors in interest, not otherwise ac-
18 quired, purchased, or exchanged pursuant to sections 3
19 and 4 of this Act.

20 (b) AUTHORIZATION FOR ACQUISITION.—The Sec-
21 retary is authorized and directed to acquire by purchase
22 or exchange the lands and interests therein as depicted
23 on a map entitled “Gallatin Area”, dated September 1992.

24 (c) LAND ACQUISITION AUTHORITIES.—Acquisitions
25 pursuant to this section shall be under existing authorities

1 available to the Secretary, except that notwithstanding
2 any other law, exchanges authorized in this section shall
3 not be restricted within the same State.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as are nec-
6 essary to carry out the purposes of this section. Funds
7 necessary for land acquisition are authorized to be appro-
8 priated from the Land and Water Conservation Fund.

9 (e) QUALITY OF TITLE.—The quality of title to the
10 properties references in this section in fact secured shall
11 meet applicable Forest Service standards with respect to
12 surface and subsurface estates or shall otherwise be ac-
13 ceptable to the Forest Service.

14 (f) REFERENCES.—The references and authorities of
15 this section referring to the Big Sky Lumber Company,
16 shall also refer to its successors and assigns.

17 (g) REPORTS TO CONGRESS.—For a period of 3 years
18 from the date of enactment of this Act, the Secretary shall
19 report annually to the Committee on Natural Resources
20 of the House of Representatives and the Committee on
21 Energy and Natural Resources of the Senate on the status
22 of the negotiations with the company or its successors in
23 interest to effect the land consolidation authorized by this
24 section.

1 **SEC. 7. SEVERED MINERALS EXCHANGE.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) underlying certain areas in Montana de-
4 scribed in subsection (b) are mineral rights owned
5 by subsidiaries of Burlington Resources, Incor-
6 porated, its successors and assigns (referred to in
7 this section as the “company”);

8 (2) there are federally-owned minerals underly-
9 ing lands of the company lying outside those areas;

10 (3) the company has agreed in principle with
11 the Department of Agriculture to an exchange of
12 mineral rights to consolidate surface and subsurface
13 ownerships and to avoid potential conflicts with the
14 surface management of such areas; and

15 (4) it is desirable that an exchange be com-
16 pleted within 2 years after the date of enactment of
17 this Act.

18 (b) DESCRIPTION OF MINERAL INTERESTS.—(1)
19 Pursuant to an exchange agreement between the Secretary
20 and the company, the Secretary may acquire mineral in-
21 terests owned by the company or an affiliate of the com-
22 pany thereof underlying surface lands owned by the Unit-
23 ed States located in the areas depicted on the maps enti-
24 tled “Severed Minerals Exchange, Clearwater-Monture
25 Area”, dated September 1988 and “Severed Minerals Ex-

1 changes, Gallatin Area”, dated September 1988, or in
2 fractional sections adjacent to those areas.

3 (2) In exchange for the minerals interests conveyed
4 to the Secretary pursuant to paragraph (1), the Secretary
5 of the Interior shall convey, subject to valid existing rights,
6 such federally owned mineral interests as the Secretary
7 and the company may agree upon.

8 (c) EQUAL VALUE.—(1) The value of mineral inter-
9 ests exchanged pursuant to this section shall be approxi-
10 mately equal based on available information.

11 (2) To ensure that the wilderness or other natural
12 values of the areas are not affected, a formal appraisal
13 based upon drilling or other surface disturbing activities
14 shall not be required for any mineral interest proposed for
15 exchange, but the Secretary and the company shall fully
16 share all available information on the quality and quantity
17 of mineral interests proposed for exchange.

18 (3) In the absence of adequate information regarding
19 values of minerals proposed for exchange, the Secretary
20 and the company may agree to an exchange on the basis
21 of mineral interests of similar development potential, geo-
22 logic character, and similar factors.

23 (d) IDENTIFICATION OF FEDERALLY OWNED MIN-
24 ERAL INTERESTS.—(1) Subject to paragraph (2), mineral
25 interests conveyed by the United States pursuant to this

1 section shall underlie lands the surface of which are owned
2 by the company.

3 (2) If there are not sufficient federally owned mineral
4 interests of approximately equal value underlying lands,
5 the Secretary and the Secretary of the Interior may iden-
6 tify for exchange any other federally owned mineral inter-
7 est in land in the State of Montana of which the surface
8 estate is in private ownership.

9 (e) CONSULTATION WITH THE DEPARTMENT OF THE
10 INTERIOR.—(1) The Secretary shall consult with the Sec-
11 retary of the Interior in the negotiation of the exchange
12 agreement authorized by subsection (b), particularly with
13 respect to the inclusion in such an agreement of a provi-
14 sion calling for the exchange of federally owned mineral
15 interests lying outside the boundaries of units of the Na-
16 tional Forest System.

17 (2) Notwithstanding any other law, the Secretary of
18 the Interior shall convey the federally owned mineral inter-
19 ests identified in a final exchange agreement between the
20 Secretary of Agriculture and the company and its affili-
21 ates.

22 (f) DEFINITION.—For purposes of this section, the
23 term “mineral interests” includes all locatable and
24 leasable minerals, including oil and gas, geothermal re-
25 sources, and all other subsurface rights.

1 **SEC. 8. GENERAL PROVISIONS.**

2 (a) MAPS.—The maps referred to in sections 3, 4,
3 5, 6 and 7 are subject to such minor corrections as may
4 be agreed upon by the Secretary and the company. The
5 Secretary shall notify the Committee on Energy and Natu-
6 ral Resources of the United States Senate and the Com-
7 mittee on Natural Resources of the United States House
8 of Representatives of any corrections made pursuant to
9 the subsection. The maps shall be on file and available
10 for public inspection in the office of Chief, Forest Service,
11 United States Department of Agriculture.

12 (b) TITLE OF LANDS CONVEYED TO THE UNITED
13 STATES.—The rights, title and interests to any lands con-
14 veyed to the United States in furtherance of section 4 in
15 the Porcupine Area, section 5 in the Taylor Fork Area,
16 and section 6 in the Gallatin Area shall, at a minimum,
17 consist of the surface estate and all the subsurface rights
18 except that the Secretary may accept title subject to out-
19 standing or reserved oil and gas and geothermal rights,
20 except that there shall be no surface occupancy permitted
21 on such Federal lands for any access to reserved or out-
22 standing rights or any exploration or development thereof.
23 Notwithstanding any provision of State law, section
24 1323(a) of the Alaska National Interest Lands Conserva-
25 tion Act (16 U.S.C. 3210(a)), or similar law pertaining
26 to access over federally owned land, no portion of lands

1 acquired by the United States in furtherance of this Act
2 shall be available for access to, or exploration or develop-
3 ment of, any reserved or outstanding oil, gas, geothermal
4 or other non-Federal property interest.

5 (c) NATIONAL FOREST LANDS.—All lands conveyed
6 to the United States in furtherance of this Act shall be
7 added to and administered as part of the National Forest
8 System lands by the Secretary in accordance with the laws
9 and regulations pertaining to the National Forest System.
10 Until Congress determines otherwise, lands acquired with-
11 in the Hyalite-Porcupine-Buffalo Horn Wilderness Study
12 Area shall be managed so as to maintain the present wil-
13 derness character and potential for inclusion in the Na-
14 tional Wilderness Preservation System in accordance with
15 Public Law 95–150. Other lands acquired shall be subject
16 to the Gallatin National Forest planning process under the
17 Forest and Rangeland Renewable Resources Planning Act
18 of 1974 (16 U.S.C. 1601 et seq.).

Passed the House of Representatives May 20, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.

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